

### Remarks

In the instant application, Claims 1-13 are pending. Reconsideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

#### Claim Objections

Claims 5-8 stand objected to. Said claims have been amended to address the concerns set forth in the Office Action. Withdrawal of the objection is respectfully requested.

#### Rejections under 35 U.S.C. § 112

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The problematic language as set forth in the Office Action is hereby deleted. Withdrawal of the rejection is respectfully requested.

#### Rejections under Double Patenting


Claims 1-13 stand rejected under obviousness-type double patenting over Application Serial No. 11/298,641. Further, Claims 4, 8, and 10 stand rejected under statutory type double patenting over Application Serial No. 11/298,641. Attached hereto is a copy of the Notice of Abandonment obtained in patent Application Serial No. 11/298,641. Since the application for which the basis of the rejections has been abandoned, there no longer exists conflicting claim scope thereby rendering the outstanding double patenting rejections moot. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, Claims 1-13 are now in condition for allowance. A prompt response to this Amendment in the form of a Notice of Allowability is hereby solicited.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 C.F.R. 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

By

  
Michael A. Miller  
Attorney for Applicants  
Reg. No. 50,732

February 29, 2008

LANXESS Corporation  
Law & Intellectual Property Department  
111 RIDC Park West Drive  
Pittsburgh, Pennsylvania 15275-1112  
(412) 809-2232  
FACSIMILE PHONE NUMBER:  
(412) 809-1054

\\sr\S:\Law Shared\SHARED\MAMPATENTS\8412-1\8412-1 Response 2-29-2008.doc



## UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 29 2008

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/298,641	12/08/2005	Benjamin Mesguer	CP-8412/EA 36,555	9510

34947 7590 11/28/2007  
 LANXESS CORPORATION  
 111 RIDC PARK WEST DRIVE  
 PITTSBURGH, PA 15275-1112

EXAMINER
----------

NWAONICHA, CHUKWUMA O

ART UNIT	PAPER NUMBER
----------	--------------

1621

MAIL DATE	DELIVERY MODE
-----------	---------------

11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DOCKETED

DEC - 3 07

CP-8412/EA 36,555  
 LANXESS CORPORATION

DEC 03 2007

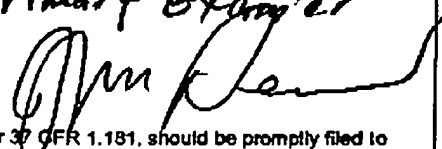
FEB 29 2008

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	11/298,641	MESEGUER ET AL.	
	Examiner	Art Unit	
	Chukwuma O. Nwaonicha	1621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**JAPAR PARSA**  
Primary Examiner  


Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.